



**Federal Communications Commission
Washington, D.C. 20554**

November 29, 2010

DA 10-2242

Mark A. Lidikay
17036 Hackberry Lane
Fontana, CA 92337

Re: Petition for Reconsideration of Dismissal of Application File No. 0004450126

Dear Mr. Lidikay:

This letter addresses your petition for reconsideration of the dismissal of the above-referenced application, filed November 12, 2010, for a new trunked Industrial/Business Pool station on 470-512 MHz band (T-band) frequencies in Chicago.¹ For the reasons set forth below, the petition is denied.

T-band frequencies are not reassigned within forty miles of a fully loaded co-channel station.² Your application was dismissed on November 16, 2010, because Laing Electronics's Station WQLA270, Chicago, Illinois, was fully loaded on the requested frequencies.³ On the same day, Laing Electronics filed an application to cancel the license for Station WQLA270, which was granted the next day.⁴

You argue that the dismissal of your application was erroneous because the license for Station WQLA270 was canceled before the application was dismissed.⁵ As noted above, however, your application was dismissed on November 16, 2010, but the license for Station WQLA270 was canceled on November 17, 2010. Consequently, we conclude that your application was properly dismissed.⁶

¹ Petition for Reconsideration of Notice of Dismissal (filed Nov. 17, 2010) (Petition).

² See 47 C.F.R. § 90.313(c).

³ See Notice of Dismissal, Ref. No. 5058259 (Nov. 17, 2010).

⁴ See FCC File No. 0004459790 (filed Nov. 16, 2010).

⁵ See Petition at 1.

⁶ See 47 C.F.R. § 1.934(a) (application may be dismissed if the requested spectrum is not available).

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.106 of the Commission's Rules, 47 C.F.R § 1.106, the petition for reconsideration filed by Mark A. Lidikay on November 17, 2010 IS DENIED. This action is taken under delegated authority pursuant to Section 0.131 and 0.331 of the Commission's Rules, 47 C.F.R §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

Cc: MD chron
S Stone
T Fishel